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MILLER PATENT SERVICES 2500 DOCKERY LANE RALEIGH, NC 27606			SHELEHEDA, JAMES R	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/815,852

Applicant(s)

NGUYEN ET AL.

Examiner

James Sheleheda

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-18, 25 and 28-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-18, 25 and 28-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 11, 25 and 28 are objected to because of the following informalities:

In claim 11, the claim dependency of "according to claim 10" should be changed to --according to claim 8--.

In claim 25, line 11, "the event manager" should be changed to --an event manager--.

In claim 28, the claim dependency of "according to claim 27" should be changed to --according to claim 25--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 4, 8, 9, 13-15, 17, 18, 31, 32, 36-40, 43 and 44 are rejected under 35 U.S.C. 102(e) as being anticipated by Legall et al. (Legall) (6,005,565) (of record).

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As to claims 1 and 14, while Legall discloses a method of, and corresponding electronic storage medium for, tuning a television channel while displaying a web-based program guide (Fig. 2; column 2, lines 38-59), comprising:

generating a video signal to display the web-based program guide using a web browser application (column 2, lines 38-59), the display indicating a cursor location (column 4, lines 41-44);

receiving an input signal (from a remote control; column 2, lines 26-28, column 3, lines 4-10, lines 60-67 and column 4, lines 61-65);

determining that the input signal is unmatched to the current cursor location (wherein a station ID is entered to perform a channel change which is unrelated to the current cursor position; column 4, lines 60-65); and

redirecting the input signal to a television manager (computer software controlling the system to implement channel selection; column 2, lines 9-17 and column 4, lines 60-65).

As to claims 2 and 15, Legal further discloses at the television manager,

determining that the input signal corresponds to a television command (wherein it is determined that an entered number is for a channel change; column 4, lines 60-65); and

implementing the television command (tuning to the desired channel; column 4, lines 60-65).

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As to claim 4, Legall discloses wherein the determining and redirecting are carried out in an event manager (computer software present which controls the system and handles the user inputs; column 2, lines 9-28).

As to claims 7 and 18, Legall discloses wherein the receiving comprises receiving the input signal from a television remote control (column 2, lines 26-28).

As to claim 8, Legall discloses a television set top box, comprising:

- a programmed processor (column 2, lines 11-12);
- a web browser running on the programmed processor (column 2, lines 47-59), the web browser accessing a web page as a current web page (column 2, lines 38-49);
- an input receiving a user input signal (from a remote control; column 2, lines 26-28, column 3, lines 4-10, lines 60-67 and column 4, lines 61-65), wherein the user input signal may be directed to either a television control action (input number indicating a channel to tune to; column 4, lines 60-65) or to the current web page (input for text entry search fields; column 3, lines 60-67);
- a television manager that receives user input signals and implements television control actions in response thereto (computer software controlling the system to implement channel selection; column 2, lines 9-17 and column 4, lines 60-65); and
- an event manager (computer software controlling the system which handles the inputs; column 2, lines 9-28) that directs the input signal to the television manager in the event the input signal is not directed to the current web page (directing the system to

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change the channel when a station ID channel change is entered; column 4, lines 60-65), and wherein the event manager determines that the input signal is not directed to the current web page if the input signal is not matched to the current cursor location (wherein a station ID is entered to perform a channel change which is unrelated to the current cursor position; column 4, lines 60-65).

As to claim 9, Legall discloses wherein the current web page comprises a web based program guide page (Fig. 2; column 2, lines 38-59).

As to claim 13, Legall discloses wherein the input receives the user input signal from a television remote control (column 2, lines 26-28).

As to claim 31, Legall discloses a method of implementing a television command (column 4, lines 60-65) while displaying a web-based program guide (Fig. 2), comprising:

generating a video signal to display the we-based program guide (column 2, lines 38-49) using a web browser application (column 2, lines 47-59), the display indicating the current cursor location (column 4, lines 41-44 and lines 60-65);

receiving an input signal representing a user command (from a remote control; column 2, lines 26-28, column 3, lines 4-10, lines 60-67 and column 4, lines 61-65);

at an event manager (computer software controlling the system which handles the inputs; column 2, lines 9-28), determining whether the input signal is matched or

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unmatched to the current cursor location (if the current command is a selection at a current position or a channel command unrelated to the cursor; column 4, lines 40-44 and lines 60-65);

if the event is matched to the current cursor location, the web browser implementing a browser function associated with the current cursor location (column 4, lines 40-44);

if the event is not matched to the current cursor location:

the event manager determining that the input signal corresponds to a television command (directing the system to change the channel when a station ID channel change is entered; column 4, lines 60-65);

the event manager redirecting the input signal to a television manager (computer software controlling the system to implement channel selection; column 2, lines 9-17 and column 4, lines 60-65); and

the television manager implementing the television command (tuning to the indicated station ID; column 4, lines 60-65).

As to claim 32, Legall discloses wherein the method is carried out in a television receiver device (system 100 receiving television signals; column 2, lines 7-25).

As to claim 36, Legall discloses wherein the receiving comprises receiving the input signal from a television remote control (column 2, lines 26-28).

As to claim 37, Legall discloses wherein the browser, the event manager and the television manager comprise programs running on a programmed processor (column 2, lines 7-61).

As to claim 38, Legall discloses a television receiver device (Fig. 1), comprising:

a programmed processor (130; column 2, lines 11-14);

a web browser running on the programmed processor (column 2, lines 47-59), the web browser accessing a web page as a current web page (column 2, lines 38-49), wherein the current web page has a current cursor location (column 4, lines 41-44 and lines 60-65);

an input receiving a user input signal (from a remote control; column 2, lines 26-28; column 3, lines 4-10, lines 60-67 and column 4, lines 61-65), wherein the user input signal may be directed either to a television control action (input number indicating a channel to tune to; column 4, lines 60-65) or to the current web page (input for text entry search fields or selection of items; column 3, lines 60-67 and column 4, lines 41-44 and lines 60-65);

a television manager that receives user input signals and implements television control actions in response thereto (computer software controlling the system to implement channel selection; column 2, lines 9-17 and column 4, lines 60-65); and

an event manager (computer software controlling the system which handles the inputs; column 2, lines 9-28) that determines whether or not the input signal is directed to the current web page by determining whether or not the input signal is matched to the

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current cursor location (if the current command is a selection at a current position or a channel command unrelated to the cursor; column 4, lines 40-44 and lines 60-65), wherein:

if the event is matched to the current cursor location, the event manager directs the input signal to the web browser and the web browser implements a command associated with the current cursor location (column 4, lines 40-44); and

if the event is not matched to the current cursor location:

the event manager determines that the input signal corresponds to a television command (directing the system to change the channel when a station ID channel change is entered; column 4, lines 60-65);

the event manager redirects the input signal to the television manager (computer software controlling the system to implement channel selection; column 2, lines 9-17 and column 4, lines 60-65); and

the television manager implements the television command (tuning to the indicated station ID; column 4, lines 60-65).

As to claim 39, Legall discloses wherein the event manager and the television manager comprise programs running on the programmed processor (column 2, lines 7-61).

As to claim 40, Legall discloses wherein the current web page comprises a web-based program guide page (column 2, lines 38-59).

As to claim 43, Legall discloses wherein the input receives the user input signal from a television remote control (column 2, lines 26-28).

As to claim 44, Legall discloses an apparatus for implementing a television command while displaying a web-based program guide (Fig. 2), comprising:

means for generating a video signal to display the we-based program guide (column 2, lines 38-49) using a web browser application (column 2, lines 47-59), the display indicating the current cursor location (column 4, lines 41-44 and lines 60-65);

means for receiving an input signal representing a user command (from a remote control; column 2, lines 26-28, column 3, lines 4-10, lines 60-67 and column 4, lines 61-65);

event manager means (computer software controlling the system which handles the inputs; column 2, lines 9-28) for determining whether the input signal is matched or unmatched to the current cursor location (if the current command is a selection at a current position or a channel command unrelated to the cursor; column 4, lines 40-44 and lines 60-65);

wherein, if the event is matched to the current cursor location, the web browser implementing a browser function associated with the current cursor location (column 4, lines 40-44);

and wherein, if the event is not matched to the current cursor location:

the event manager means determining that the input signal corresponds to a television command (directing the system to change the channel when a station ID channel change is entered; column 4, lines 60-65);

the event manager means redirecting the input signal to a television manager means for managing operation of a television device (computer software controlling the system to implement channel selection; column 2, lines 9-17 and column 4, lines 60-65); and

the television manager means implementing the television command on the television device (tuning to the indicated station ID; column 4, lines 60-65).

As to claim 45, Legall discloses a television receiver device (Fig. 1), comprising:
a programmed processor (130; column 2, lines 11-14);
a web browser running on the programmed processor (column 2, lines 47-59),
the web browser accessing a web based program guide as a current web page (column 2, lines 38-49), wherein the current web page has a current cursor location (column 4, lines 41-44 and lines 60-65);

an input receiving a user input signal from a remote control device (column 2, lines 26-28, column 3, lines 4-10, lines 60-67 and column 4, lines 61-65), wherein the user input signal may be directed either to a television control action (input number indicating a channel to tune to; column 4, lines 60-65) or to the current web page (input for text entry search fields or selection of items; column 3, lines 60-67 and column 4, lines 41-44 and lines 60-65);

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a television manager program running on the programmed processor (computer software controlling the system to implement channel selection; column 2, lines 9-17 and column 4, lines 60-65), that receives user input signals and implements television control actions in response thereto (column 2, lines 9-17 and column 4, lines 60-65);

an event manager program running on the programmed processor (computer software controlling the system which handles the inputs; column 2, lines 9-28) that determines whether or not the input signal is directed to the current web page by determining whether or not the input signal is matched to the current cursor location (if the current command is a selection at a current position or a channel command unrelated to the cursor; column 4, lines 40-44 and lines 60-65), wherein:

if the event is matched to the current cursor location, the event manager directs the input signal to the web browser and the web browser implements a command associated with the current cursor location (column 4, lines 40-44); and

if the event is not matched to the current cursor location:

the event manager determines that the input signal corresponds to a television command (directing the system to change the channel when a station ID channel change is entered; column 4, lines 60-65);

the event manager directs the input signal to the television manager (computer software controlling the system to implement channel selection; column 2, lines 9-17 and column 4, lines 60-65); and

the television manager implements the television command (tuning to the indicated station ID; column 4, lines 60-65).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 25 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang (6,675,385) (of record) in view of Legall.

As to claim 25, Wang discloses a television Set-Top Box (Fig. 1, 24), comprising:

a programmed processor (column 3, lines 47-55);

a web browser application that runs on the programmed processor (column 3, lines 47-55);

a television manager that controls television functions (software present to control the television; column 8, lines 5-21 and column 9, lines 4-14);

an input receiving a user input signal (column 8, lines 5-8), wherein the user input signal comprises a command to display a program guide (column 8, lines 5-10), the command being passed from the input to the programmed processor (wherein the processor is controlling the browser; column 8, lines 5-10 and column 3, lines 47-55);

wherein, the programmed processor invokes the web browser application (column 8, lines 8-10 and column 3, lines 47-55) directed to a URL calling a web based program guide (wherein each EPG web page has a URL identifier and the system retrieves the EPG page for the current channel's guide; column 3, lines 62-67 and

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column 7, line 62-column 8, line 10) as a result of the input receiving the command to display a program guide (column 8, lines 5-10).

While Wang discloses wherein the program guide has a cursor location (navigating the guide and clicking a particular item; column 9, lines 1-6), he fails to specifically disclose wherein an event manager determines that the input signal is not directed to the web-based program guide if the input signal is not matched to the current cursor location; and

the event manager directs the input signal to the television manager in the event the input signal is not directed to the web-based program guide page.

In an analogous art, Legall discloses a television system (Fig. 1) wherein a current web page has a cursor location (column 4, lines 41-44 and lines 60-65), and wherein an event manager determines that the input signal is not directed to the current web page (such as for text entry; column 3, lines 57-67) if the input signal is not matched to a web page function (determining that the input command was a station ID command to change channels unrelated to the cursor position; column 4, lines 60-65), and directs the signal to a television manager in the event the input signal is not directed to the web-based program guide page (computer software controlling the system to implement channel selection; column 2, lines 9-17 and column 4, lines 60-65) for the typical benefit of allowing a user to continue inputting channel commands while viewing a web page (column 4, lines 60-65).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Wang's system to include wherein an event manager

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determines that the input signal is not directed to the web-based program guide if the input signal is not matched to the current cursor location; and the event manager directs the input signal to the television manager in the event the input signal is not directed to the web-based program guide page, as taught by Legall, for the typical benefit of allowing a user to continue inputting channel commands while viewing a web page.

As to claim 30, Wang and Legall disclose wherein the input receives the user input signal from a television remote control (see Wang at column 8, lines 5-8).

6. Claims 3 and 33 are rejected under 35 U.S.C. 102(a) as being anticipated by Legall.

As to claims 3 and 33, while Legall discloses the method carried out in a television receiver (Fig. 1; column 2, lines 9-20), he fails to specifically disclose a television set top box.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to incorporate a television receiver into a set top box for the typical benefits of providing the television receiver system in a common and well known set-top box which can be easily placed near and used with a television.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Legall's system to include a television set top box for the typical benefits of providing the television receiver system in a common and well known set-top box which can be easily placed near and used with a television.

7. Claims 5, 6, 11, 12, 16, 17, 34, 35, 41, 42 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Legall in view of Morrison et al. (Morrison) (6,591,292) (of record).

As to claims 5, 11, 16, 34, 41 and 46, while Legall discloses wherein an input signal corresponding to a user actuation of a numerical character 0-9 is considered to be unmatched (an entered number is for a channel ID not directed to the EPG; column 4, lines 60-65) to a text entry field of the web-based program guide (wherein text may be entered into specific fields for searching; column 3, lines 57-67) and wherein the television manager implements a channel selection function in response thereto (tuning to the desired channel; column 4, lines 60-65), he fails to specifically disclose determining the input is unmatched if the cursor is not situated on the text entry field.

In an analogous art, Morrison discloses a television program guide system (Fig. 1) wherein upon detection of user input (column 13, lines 48-52) the system will evaluate the current cursor position to determine the desired function (and therefore, which functions at other locations are not desired; column 13, lines 48-57) for the typical benefit of allowing a single input to identify the specific function desired by a user from a plurality of available functions (column 13, lines 40-52).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Legall's system to include determining the input is unmatched if the cursor is not situated on the text entry field, as taught by Morrison, for the typical benefit of allowing a single input to identify the specific function desired by a user from a plurality of available functions.

As to claims 6, 12, 17, 35 and 42, Legall and Morrison disclose wherein the actuation of a numerical character 0-9 is considered to be a channel selection command (an entered number is for a channel ID and not for the text entry search fields; column 3, lines 60-67 and column 4, lines 60-65) if the cursor is not situated (see Morrison at column 13, lines 48-57) at a text entry field of the web-based program guide (text input fields; see Legall at Fig. 2; column 3, lines 60-67); and

wherein the television manager implements a channel selection function in response thereto (tuning to the desired channel; see Legall at column 4, lines 60-65).

8. Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang and Legall as applied to claim 25 above, and further in view of Morrison.

As to claim 28, while Wang and Legall disclose wherein an input signal corresponding to a user actuation of a numerical character 0-9 is considered to be unmatched (an entered number is for a channel ID not directed to the EPG; see Legall at column 4, lines 60-65) to a text entry field of the web-based program guide (wherein text may be entered into specific fields for searching; see Legall at column 3, lines 57-67) and wherein the television manager implements a channel selection function in response thereto (tuning to the desired channel; see Legall at column 4, lines 60-65), he fails to specifically disclose determining the input is unmatched if the cursor is not situated on the text entry field.

In an analogous art, Morrison discloses a television program guide system (Fig. 1) wherein upon detection of user input (column 13, lines 48-52) the system will evaluate the current cursor position to determine the desired function (and therefore, which functions at other locations are not desired; column 13, lines 48-57) for the typical benefit of allowing a single input to identify the specific function desired by a user from a plurality of available functions (column 13, lines 40-52).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Wang and Legall's system to include determining the input is unmatched if the cursor is not situated on the text entry field, as taught by Morrison, for the typical benefit of allowing a single input to identify the specific function desired by a user from a plurality of available functions.

As to claim 29, Wang, Legall and Morrison disclose wherein the actuation of a numerical character 0-9 is considered to be a channel selection command (an entered number is for a channel ID and not for the text entry search fields; column 3, lines 60-67 and column 4, lines 60-65) if the cursor is not situated (see Morrison at column 13, lines 48-57) at a text entry field of the web-based program guide (text input fields; see Legall at Fig. 2; column 3, lines 60-67); and

wherein the television manager implements a channel selection function in response thereto (tuning to the desired channel; see Legall at column 4, lines 60-65).

Response to Arguments

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9. Applicant's arguments filed 06/07/05 have been fully considered but they are not persuasive.

a. In response to applicant's arguments towards Legall, it is noted that Legall specifically discloses performing a channel change by entering a station ID number (column 4, lines 60-65). The entering of the station ID (as opposed to selecting an item which is specifically dependent upon cursor location; column 4, lines 60-65) is unrelated to any cursor position and therefore meets the claim limitation of determining the command is unmatched to the current cursor position.

b. Further, it is noted that all of the ways that applicant indicates, on page 16 of applicant's response, to differentiate a channel change from an EPG command would all still meet the claim limitation as they are "unmatched" and unrelated to cursor position independent. Tuning to a new channel, as indicated by a request by a user, is a basic functionality of television receivers.

c. The Official Notice presented in the prior action stating that it is notoriously well known in the art to incorporate a television receiver into a set top box was not traversed and is accordingly taken as an admission of the fact noted.

Conclusion

10. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with

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all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sheleheda whose telephone number is (571) 272-7357. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James Sheleheda
Patent Examiner
Art Unit 2617

JS



VIVEK SRIVASTAVA
PRIMARY EXAMINER